

FILED
CLERK

1:17 pm, May 28, 2020

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEW FALLS CORPORATION,

Plaintiff,

-against-

ADOPTION ORDER
2:19-cv-00449 (ADS) (AKT)

SONI HOLDINGS, LLC, KUNAL SONI,
ANJALI SONI, 632 MLK BLVD JR LLC,
OM P. SONI, SONI CAPITAL RESOURCES,
LLC, KANWAL KAPUR, WEANONA HUGIE
AND RICHARD SPEARS,

Defendants.

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SPATT, District Judge.

On January 23, 2019, the Plaintiff brought this action against the Defendants alleging, *inter alia*, fraudulent conveyances of real property, mail fraud, wire fraud, money laundering, mutilating/falsifying and backdating documents, false and fraudulent notarization, racketeering, perjury, and witness tampering.

On April 30, 2019, the Clerk of the Court issued a Certificate of Default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, as to defendants Weanona Hugie (“Hugie”) and Richard Spears (“Spears”).

On May 3, 2019, the Plaintiff moved for a default judgment against Hugie and Spears.

On May 13, 2019, Hugie and Spears appeared and cross-moved to vacate the entry of defaults.

The Court referred the motions to United States Magistrate Judge A. Kathleen Tomlinson for a recommendation as to whether the motion should be granted, and if so, what relief, if any, should be awarded.

On May 8, 2020, Judge Tomlinson issued a Report and Recommendation (“R&R”) that the motion brought by Hugie and Spears to vacate their defaults be granted, and that the Plaintiff’s motion to enter default judgment be denied. That same day, Judge Tomlinson electronically served the R&R on the parties.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the Court adopts the R&R in its entirety. The Court grants the motion to vacate by Hugie and Spears and denies the Plaintiff’s motion for default judgment. The Clerk of the Court is respectfully directed to vacate the entries of default as to Hugie and Spears.

SO ORDERED.

Dated: Central Islip, New York
May 28, 2020

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge